



'07 MJ 8996

) Magistrate Case No.:  
 ) COMPLAINT FOR VIOLATION OF  
 ) 21 U.S.C. § 952 and 960  
 ) Importation of a Controlled Substance  
 ) (Felony)

v.

**Defendants.**

Peter C. Lewis  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Alicia Marie CODERA

4 Cindy PALOMINO

5 STATEMENT OF FACTS

6 This complaint is based upon the personal observations, investigation and  
7 information provided to U.S. Immigration and Customs Enforcement Special Agent  
8 Douglas Struckmeyer.

9 On December 17, 2007, Alicia Marie CODERA and Cindy PALOMINO entered  
10 the United States at the Calexico, California East Port of Entry. CODERA was the  
11 driver and PALOMINO was the passenger of a 1995 Mitsubishi Montero. Customs and  
12 Border Protection Officer (CBPO) A. Barnes took a negative Customs declaration from  
13 CODERA and PALOMINO. CBPO Barnes observed that both subjects' hands were  
14 trembling during the primary inspection. CBPO Barnes referred CODERA and  
15 PALOMINO to secondary for further inspection.

16 CBPO R. Ramos encountered the vehicle in the secondary inspection area and  
17 also received a negative declaration from CODERA and PALOMINO. CBPO Ramos  
18 conducted a secondary search of the vehicle and observed that the spare tire felt  
19 unusually hard. CBPO requested that Canine Enforcement Officer (CEO) M. McGee  
20 screen the vehicle with his Narcotic Detector Dog (NDD). The NDD alerted to the  
21 presence of an odor of a controlled substance coming from the spare tire.

22 A further search of the spare tire resulted in the discovery of 5 packages. The  
23 packages contained a green leafy substance which field-tested positive for marijuana.  
24 The total weight of the packages was 12.38 Kilograms.  
25  
26  
27  
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29

1 Special Agent's (S/A) Douglas Struckmeyer Hugo Leon interviewed CODERA  
2 and PALOMINO. S/A Struckmeyer furnished each individual with their constitutional  
3 rights per Miranda in English with S/A Leon present. Each individual orally waived their  
4 rights, as well as signing the written waiver of rights, agreeing to make a statement.

5 CODERA stated she knew the vehicle contained marijuana. CORDERA stated  
6 that PALOMINO had made the arrangements to smuggle the marijuana into the United  
7 States. CORDERA stated that PALOMINO told her the vehicle contained between 10  
8 and 20 kilograms of marijuana concealed within the spare tire. CORDERA stated that  
9 they were going to be paid \$1,000.00 for smuggling the marijuana into the United  
10 States and that they were going to split the money evenly between them.

13 PALOMINO gave two separate accounts, both of which were inconsistent with  
14 statements given by CORDERA. PALOMINO stated they were going to be paid  
15 \$1,000.00 for driving the vehicle across the border into the United States, but  
16 PALOMINO claimed that she had no knowledge of the contents in the vehicle.  
17 PALOMINO stated she was originally suspicious, but she inspected the vehicle and  
18 determined that it appeared not to contain any contraband.

20 CORDERA and PALOMINO were arrested by ICE Agents for violations of 21  
22 U.S.C. 952 and 960, Importation of Marijuana. They were both booked into the Imperial  
23 County Jail, in El Centro, California, pending an appearance in U.S. Magistrate Court.